



AGENDA
CITY COMMISSION REGULAR MEETING
MONDAY, SEPTEMBER 28, 2009 – 4:00 PM
CITY COMMISSION CHAMBERS; 3RD FLOOR

CALL TO ORDER - Mayor Richard Cortez

PLEDGE OF ALLEGIANCE - Mayor Richard Cortez

INVOCATION – Jim Darling, City Commissioner

PROCLAMATIONS - *Pan American Round Table of McAllen's 75th Jubilee* –Charlene Hertz
- *Hopeline Domestic Violence Awareness Month* –Brent Carter
- *Fire Prevention Week* – Rogelio Rubio
- *Hispanic Heritage Month* – Cynthia Sakulenzki
- *Comfort House Month* - Mary Botello

PRESENTATION - EMERGENCY MANAGEMENT OF TEXAS AWARD BY GEORGE GARRET

1. SPECIAL JOINT MEETING WITH MCALLEN PUBLIC UTILITY BOARD:

- A) Order adopting and recommending approval of the McAllen Public Utility Proposed Budget for Fiscal Year 2009-2010.
- B) Ordinance adopting the City of McAllen Proposed Budget for Fiscal Year 2009-2010 including the McAllen Public Utility budget.
- C) Resolution providing for the Annual Review and Approval of the City's Investment Policy.
- D) Consider Renewal of Property-Casual Insurance, Public Officials Liability, Excess Workers Compensation-Excess General Liability, Risk Management and Agency Services Agreement, and continuation under the Third Party Administrative Service Contract.

END OF JOINT MEETING

2. CONSENT AGENDA: *[All matters listed under Consent Agenda are considered to be routine by the Governing Body and will be enacted by one motion. There will be no separate discussion of these items; however, if discussion is desired, that item(s) will be removed from the Consent Agenda and will be considered separately.]*

- A) Approval of Minutes of Regular Meeting held September 14, 2009.
- B) Change Order No. 8 and Final for Anzalduas International Bridge Crossing.
- C) Change Order No. 1 for Balboa Park.
- D) Resolution authorizing the acceptance of grant funds from the Texas Department of Transportation through the Selective Traffic Enforcement Program *Click It or Ticket* Campaign TEEN Safety Belt Demo Project.
- E) Resolution authorizing the submission of an application to the Texas Department of Agriculture for funding under the FY 2010 GO TEXAN Grants Program.

3. BIDS/CONTRACTS:

- A) Consideration of License Agreement with Omega Realty Group and Jimmy K. An to allow encroachments by building located at 123 South Main.
- B) Consideration of License Agreement with R &L Lozano Leasing, Ltd., to allow a grease trap in alley behind 1410 West Austin Street.
- C) Award of Bid – Anzalduas International Bridge Southbound Facilities (architectural) Generator.
- D) Consider approval of additional services with MESA Design Inc. for Classroom at Quinta Mazatlan relating to LEED Facilitation and Certification.
- E) Consider approval of additional services with MESA Design Inc. for Classroom at Quinta Mazatlan relating to a new project location.
- F) Consideration of Interlocal Agreement with South Texas Community College (STC) for Police Services.

4. ORDINANCES:

- A) Increasing the authorized strength of the McAllen Police Department pursuant to FY 2009-2010 budget.
- B) Adopting the City of McAllen Property Tax Rate for 2009.

5. RESOLUTION:

- A) Resolution authorizing the submission of an application to the Texas Water Development Board for funding for the North Wastewater Treatment Plant upgrade.

6. MANAGER’S REPORT:

- A) Consider authorizing a Tax Resale of Lot 1 and all of Lot 2, Court Plaza Addition.
- B) Consider authorizing the removal of 1st and 2nd Quarter FY 2008-2009 Uncollectible Sanitation Accounts, Recycling Center Receivables and Roll-off Services Receivables from General Ledger.
- C) Appointment of Representative and Alternate to the Amigos Del Valle, Inc. Board of Directors.
- D) Appointment of students to the Mayor’s Youth Advisory Council.
- E) Selection of a committee for the City’s Centennial Celebration.
- F) Monthly Construction Report on the Anzalduas International Bridge Project.
- G) Consideration and possible action on amendment of Police Department Collective Bargaining Agreement, adopting TMRS Updated Service Credit, Retirement at 20 years and Amending Health Insurance funding from 20 years to 25 years of service.
- H) Consideration and possible action on amendment of Fire Department Collective Bargaining Agreement.
- I) Future Agenda Items.

7. TABLED ITEMS:

- A) Approval of transfer of funds to the McAllen Chamber of Commerce for Artwork at Main Avenue and Auburn Avenue.
- B) Consideration and Approval of Supplemental Agreement No. 18 with Dannenbaum Engineering for additional Engineering/Architectural services for the “Welcome” Monument.

THE CITY COMMISSION HAS THE PREROGATIVE TO RECESS INTO EXECUTIVE SESSION PRIOR TO 6:00 PM

8. PUBLIC HEARING BEGINNING AT 6:00 PM

A) ROUTINE ITEMS: *[All Rezoning and Conditional Use Permits listed under this section come with a favorable recommendation from the Planning & Zoning Commission and will be enacted by one motion. However, if there is opposition at the meeting or a discussion is desired, that item(s) will be removed from the Routine Items section of the agenda and will be considered separately.]*

- 1) Rezone from A-O (agricultural-open space) District to C-3 (general business) District: the south 65 feet of the north 130 feet of the east one half (1/2) of Lot 8, Block 2, Rio Bravo Plantation Company's Subdivision, Hidalgo County, Texas; 4202 South Ware Road.
- 2) Request of Jacob J. Zamora, appealing the decision of the Planning & Zoning Commission of the August 18, 2009 meeting, denying the request for a Conditional Use Permit, for one year, for a bar at Lot 1, Mejia Subdivision, Hidalgo County, Texas; 2000 Nolana Avenue.
- 3) Request of Alfredo Marroquin, appealing the decision of the Planning & Zoning Commission of the August 18, 2009 meeting, denying the request for a Conditional Use Permit, for one year, for a dancehall at Lots 2A-3A, Dove Commercial Park Subdivision, Hidalgo County, Texas; 2201 Dove Avenue.

B) REZONINGS:

- 1) Rezone from C-3 (general business) District to C-4 (commercial industrial) District: Lots 93 and 95, Retiree Haven #2 Subdivision, Hidalgo County, Texas; 1001 and 1007 Vanessa Avenue. **STAFF WILL RECOMMEND THAT THIS ITEM BE TABLED**
- 2) Rezone from R-1 (single family residential) District to C-3 (general business) District: Lots 32, 33 and 34, Linda Vista Subdivision, Hidalgo County, Texas; 2545, 2549 and 2553 Lindberg Avenue. **STAFF WILL RECOMMEND THAT THIS ITEM BE TABLED**

C) CONDITIONAL USE PERMIT:

Request of Nellie Cantu, for a Conditional Use Permit, for life of the use, for an institutional use (school) at 0.91 acres out of Lots 5 & 6, Ford's Subdivision, Hidalgo County, Texas; 3017 South 10th Street.

D) Amending the Zoning Ordinance of the City of McAllen as enacted May 29, 1979.

END OF PUBLIC HEARING

PUBLIC COMMENT SESSION

9. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.087 (ECONOMIC DEVELOPMENT) AND SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY).

A) Discussion and Possible Action relating to economic incentives for Project Gold Star. (Section 551.087, T.G.C.)

- B) Discussion and Possible Action relating to Tri-Wanis Ventures, LLC, for additional time and financial assistance. (Section 551.087, T.G.C.)
- C) Discussion and Possible Action relating to economic incentives for Project Big Box. (Section 551.087, T.G.C.)
- D) Discussion and Possible Action relating to economic incentives for Embassy Suites Hotel. (Section 551.087, T.G.C.)
- E) Discussion and Possible Action relating to economic incentives for Project Blazing Saddles. (Section 551.087, T.G.C.)
- F) Consultation with City Attorney regarding legal aspects of South FBO Lease. (Section 555.071, T.G.C.)
- G) Consultation with City Attorney regarding Workers Comp/Loss Run Report as of August 31, 2009. (Section 555.071, T.G.C.)
- H) Consultation with City Attorney regarding Consideration and Possible Action on amendment of Police Department Collective Bargaining Agreement, adopting TMRS Updated Service Credit, Retirement at 20 years and Amending Health Insurance funding from 20 years to 25 years of service. (Section 555.071, T.G.C.)
- I) Consultation with City Attorney regarding Consideration and Possible Action on amendment of Fire Department Collective Bargaining Agreement. (Section 555.071, T.G.C.)
- J) Consultation with City Attorney regarding Lease Agreements at Downtown Food Court. (Section 555.071, T.G.C.)
- K) Discussion and Possible Action relating to possible site trade for full service Holiday Inn & Suites Hotel. (Section 551.072, T.G.C.)
- L) Discussion and Possible Action relating to the possible sale of Sam Houston School property. (Section 551.072, T.G.C.)

ADJOURNMENT

IF ANY ACCOMMODATION FOR A DISABILITY IS REQUIRED (OR INTERPRETERS FOR THE DEAF), NOTIFY THE CITY SECRETARY’S DEPARTMENT AT 681-1020 FORTY-EIGHT (48) HOURS PRIOR TO THE MEETING DATE. WITH REGARD TO ANY ITEM, THE BOARD OF COMMISSIONERS MAY TAKE VARIOUS ACTIONS INCLUDING BUT NOT LIMITED TO RESCHEDULING AN ITEM IN ITS ENTIRETY FOR A FUTURE DATE OR TIME. THE CITY COMMISSION MAY ELECT TO GO INTO EXECUTIVE SESSION ON ANY ITEM WHETHER OR NOT SUCH ITEM IS POSTED AS AN EXECUTIVE SESSION ITEM AT ANY TIME DURING THE MEETING WHEN AUTHORIZED BY THE PROVISIONS OF THE OPEN MEETINGS ACT.

CERTIFICATION

I, the Undersigned Authority, do hereby certify that the attached agenda of the meeting of the McAllen Board of Commissioners is a true and correct copy and that I posted a true and correct copy of said notice on the bulletin board in the Municipal Building, a place convenient and readily accessible to the general public at all times, and said Notice was posted on the 25th day of September, 2009 at 2:00 pm and will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

/s/
Annette Villarreal, TRMC
City Secretary